

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. DANIEL CARSON LEWIS, <i>Defendant-Appellant.</i>
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No. 03-30281
D.C. No.
CR-01-00149-A-
JWS
OPINION

On Remand from the United States Supreme Court

Filed September 1, 2005

Before: Cynthia Holcomb Hall, Andrew J. Kleinfeld, and
Kim McLane Wardlaw, Circuit Judges.

Opinion by Judge Hall

COUNSEL

Teresa S. Ridle and Rebecca S. Copeland, Patton Boggs, LLP,
Anchorage, Alaska, for the defendant-appellant.

Karen Loeffler, Assistant United States Attorney, Anchorage, Alaska, for the plaintiff-appellee.

OPINION

HALL, Senior Circuit Judge:

We considered this case in July of 2004 and we affirmed the convictions and the sentence. *United States v. Lewis*, No. 03-30281, 111 Fed.Appx. 876 (9th Cir. Sept. 24, 2004). The Supreme Court granted certiorari, and vacated the decision and remanded the case to us in light of *United States v. Booker*, 125 S.Ct. 738 (2005). *Lewis v. United States*, 125 S.Ct. 1404 (2005). Because Petitioner did not challenge his sentence on Sixth Amendment grounds in the district court, we grant a limited remand pursuant to *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc). See *United States v. Moreno-Hernandez*, No. 03-30387, 2005 WL 1964483, at *8 (9th Cir. August 17, 2005) (holding that “defendants are entitled to limited remands in *all* pending direct criminal appeals involving unpreserved *Booker* error, whether constitutional or nonconstitutional.”).

REMANDED.